

FREDERICK COUNTY LIQUOR BOARD
Public Meeting Minutes
Monday, June 20, 2016

Those Present:	Mr. Dick Zimmerman, Chairman Mrs. Maggi Hays, Board Member Mr. Rick Stup, Board Member Mrs. Linda Thall, Sr. Asst. County Attorney Mrs. Kathy V. Dean, Administrator Mr. Harold DeLauter, Alcoholic Bev. Inspector Mr. Bob Shrum, Alcoholic Bev. Inspector Mrs. Penny Bussard, Administrative Specialist V Mrs. Ashley Sklarew, Administrative Specialist V
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1. **Class C “Club” License Flex Closing Policy** – Mr. Zimmerman stated that Mr. Stup drafted the original regulation for the Frederick County Liquor Board. Mr. Stup stated that he has been a member of many social organizations and veterans clubs, and feels that he does not have a conflict with the regulations. Mr. Stup stated that things have changed over the years for these clubs. The proposal is to give an option based on certain criteria and requirements to get on a list. The Class C “Club” licensees will create a log book and advise the designated person from the Liquor Board Staff that they are closing early. Mr. Stup stated there was some discussion about making this policy available to all licensees. Mr. Stup stated the purpose of this regulation is to deal with safety for the clubs. Mr. Stup stated that he has received some comments and one comment in particular was that, as it is proposed now, if the licensee is guilty of any violations within the last 12 months they cannot apply under the Flex Closure Policy. Some Licensees feel that this requirement is too strict. The other comment was about the 1.5 hour inactivity as far as closing the clubs. The licensees feel that an hour helps the clubs. Mr. Stup stated he would delete the ½ hour and make it 1 hour. Mr. Zimmerman stated that the Board received two letters one dated May 19th and the other dated June 1st from the Amvets of Middletown, MD. Mr. Zimmerman stated that one letter recommended reducing the closing time from 1.5 hours to 45 minutes within no activity. And the other is 12 months of no violation activity is too strict however Mr. Stup will change the hours from 1.5 to 1 hour. Mr. Zimmerman asked if there was anyone in the public audience that would like to make public comment. Mr. Zimmerman stated the Board would like to make a decision on the regulation today.

MOTION: Mr. Stup made a motion since there was no further discussion to approve the Flex Closing Policy as distributed with exception of changing paragraph 2 A to read “if there has been no patron activity in 1 hour.”

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION ON THE MOTION:

There was no further discussion on the motion.

VOTE: Mrs. Hays-Aye
Mr. Stup-Aye
Mr. Zimmerman-Aye

The vote was unanimous *Aye-3, Nays-0*
(*Motion Passed*)

2. **Rules of Procedure** - Mr. Zimmerman stated he is fine with the latest draft that was presented to the Board. Mr. Stup stated this is the first time the Board has put into writing on the Rules of Procedure and he has no objection on how they have been drafted. Mrs. Hayes was in agreement. Mr. Zimmerman asked if anyone in the public wanted to make a comment about the Rules of Procedure.

MOTION: Mr. Stup made a motion to adopt the Rules of Procedure as distributed.

SECOND- Mrs. Hays

FURTHER DISCUSSION ON THE MOTION: Mr. Stup stated that the Rules of Procedure will be posted in the Liquor Board website.

VOTE: Mrs. Hays-Aye
Mr. Stup-Aye
Mr. Zimmerman-Aye

The vote was unanimous *Aye-3, Nays -0*
(*Motion Passed*)

3. **Alcohol Awareness Requirement**-Mr. Zimmerman stated legislation passed that required an Alcohol Awareness trained individual to be on site at any licensed location. The cost of the course is offered at a reduced rate by the County. Mr. Zimmerman stated that under the old regulation a trainee could only be excused for 2 hours for an emergency and the Board has been asked to relax the rule. The new legislation allows the Board to establish a rule that allows use of personal or business reasons or an emergency to excused the absence of a person with Alcohol Awareness Training. Mr. Zimmerman stated that the term personal is very broad and the Board needs to establish guidelines. Mr. Stup stated the Board has had

many discussion on the topic. Mr. Stup would like to review the draft before adoption of the policy. He would like to add back in under procedure 5 and add C. business or Liquor License related functions, Liquor Board hearings, Judicial proceedings and other subpoena mandated appearances, and D. other absences approved by the Liquor Board. Mrs. Dean asked Mr. Stup if the Board would define what the other absences would be. Mr. Zimmerman wants to know “what is the standard of the definition given by the state?” Mrs. Thall said some guidance is needed. Mr. Zimmerman said examples would be helpful. Mrs. Thall stated business examples would be good. Mr. Zimmerman asked the public if they had any example ideas.

Public Comment:

Lois Prewitt, Frederick Basket Company, stated maybe using other government excused absence policy as a guide.

Mr. Zimmerman stated there will be another public hearing on this topic. Mr. Stup stated since this goes into effect July 1, 2016 when does he anticipate discussing the topic again with the public. Mrs. Dean stated July 11th may be the best time to talk about this, next date July 25th. Mrs. Hays stated practically speaking we may not see all the reasons why a business would have an emergency. Mrs. Thall asked if Mrs. Dean could look at any other counties to see how other counties handle emergency.

4. **Policies for Class DBR Consumption Permit-** Mr. Zimmerman stated that the fee expires July 11th. Mrs. Dean listed current licensees as Flying Dog, Monocacy Brewing, Smoketown Brewery, Old Mother Brewery. Mr. Zimmerman stated that the Board extended the \$1000. 00 annual fee to July 11, 2016 for the DBR license. Mr. Stup stated because of legislation the Board had to approve the DBR license and an On Site Consumption Permit. The Board looked at other jurisdictions to see how they handle the license. Mr. Stup asked if the fee worked for the licensees and Mr. Stup asked Phil Bowers to comment.

Public Comment:

Phil Bowers stated Monocacy Brewing is a very small limited place that does not generate a whole lot of revenue in comparison to restaurant fees. If the fee is raised it would impact the licensee negatively. The license adds up to \$1500. Mr. Bowers stated Maryland law only allows for 500 barrels a year to be sold; this does not include tastings. Mr. Bowers stated there is already a limitation. Mr. Stup asked if the Board extended the fee reduction for another 2 years as it is, would this work for the Licensee? Mr. Stup stated he is not sure the Board is ready to give up the higher amount. Mr. Bowers stated because the state has limitation, it may be best to leave it at the limitation.

Christen Kelly, Flying Dog, stated she is curious about the fee. She is concerned about the higher fee. She wanted to know why the Board is raising the fee. Ms. Kelly stated that the Flying Dog is restricted and cannot sell food. Mr. Stup stated

that the Board reduced the fee temporarily. Mr. Stup stated he would like to go with the two tier fee. Ms. Kelly suggested lowering the fee if the licensee is not meeting the sales. Mr. Zimmerman stated that the fee has been dropped from \$2000 to \$1000. Mr. Stup stated he is leaning to recommending that the fee be extended for another 2 years.

MOTION: – Mr. Stup made a motion to extend the temporary reduction for 2 years for DBR Consumption for July 9, 2018 for \$1000.00 annual fee.

SECOND- Mrs. Hayes seconded

FURTHER DISCUSSION ON THE MOTION:

VOTE: Mrs. Hays-Aye
Mr. Stup-Aye
Mr. Zimmerman-Aye

The vote was unanimous *Aye-3, Nays -0*
(*Motion Passed*)

5. Decision Required: New License

RE: RE: Sanjay
Patel
For the use of DHRUVA LLC
t/a Frederick Food Mart
430 E. Patrick Street
Frederick, MD 21701
Class A Beer Only License

Ms. Dean swore in Applicant, witnesses and anyone who wanted to testify (see sign in sheet). Mrs. Dean stated pending item is the inspector's final report. Mrs. Thall asked Inspector Shrum if had been out to inspect the establishment. Inspector Shrum stated that he inspected the establishment on May 21, 2016 at 3:10 pm and the applicant met all the requirements. Mr. Zimmerman asked if the occupancy permit has been taken care of. Mrs. Dean stated that the permit has been completed. Mr. Zimmerman asked the applicant if he had a liquor license anywhere before. The applicant responded he has never had license. The applicant stated that 3 persons have been through Alcohol Awareness training and have received certificates. Mr. Stup asked if the applicant is open for operation. The applicant stated they are ready for open. Mr. Zimmerman asked if the public had any comment.

MOTION: Mrs. Hays made motion to grant the application

SECOND: Mr. Stup seconded the motion

FURTHER DISCUSSION ON THE MOTION: None

VOTE: Mrs. Hays-Aye
Mr. Stup-Aye
Mr. Zimmerman-Aye

The vote was unanimous *Aye-3, Nays -0*
(*Motion Passed*)

6. Decision Required: New License

RE: Steven Dorcus
For the use of Dorcus Pizzerias LLC
t/a Stavros Pizza
2 E Main Street
Emmitsburg, MD 21727
Class B Beer and Light Wine License

Ms. Dean swore in the Applicant, witnesses and anyone who wanted to testify (see sign in sheet). Mrs. Dean stated that the applicant has the following pending items, missing item Alcohol Awareness Training Certificate. Mrs. Thall asked Inspector DeLauter if he had been out to inspect the establishment. Inspector DeLauter stated that he inspected the establishment on Wednesday June 15 at 7:12 pm. The applicant met all requirements as set by the Liquor Board. Mrs. Thall asked the status of the Alcohol Awareness training certificate. The applicant stated they are set up for training with John Murray for July 16, 2016. Mr. Zimmerman asked how many employees will be trained. The applicant stated there will be 10 employees trained. The establishment will be closed on Mondays. Sales cannot take place before 11:00 am. The applicant has never held a license before and the applicant will be selling beer and light wine. Mr. Stup asked if there was going to be outdoor seating, and he informed the applicant that the Liquor Board offers Able training to all its licensees.

MOTION: Mrs. Hayes made motion license be granted with conditional approval and that Alcohol Awareness training be completed by August 29, 2016.

SECOND: Mr. Stup seconded the motion bound by the testimony and application

VOTE: Mrs. Hays-Aye
Mr. Stup-Aye

Mr. Zimmerman-Aye

The vote was unanimous *Aye-3, Nays -0*
(*Motion Passed*)

7. Decision Required: New License

RE: Raj Bommakanti, John Thompson
For the use of Ratnakamal LLC
t/a East Patrick Liberty Gas
826 East Patrick Street
Frederick, MD 21701
Class A Beer Only License

Ms. Dean swore in the Applicant, witness and anyone who wanted to testify (see sign in sheet). Mrs. Dean stated the following pending items are needed Fire Marshal final report, Alcohol Awareness Training, Inspector Report, violation. Mrs. Dean stated she wanted to review the licensee's history from Baltimore City. The applicant has a previous violation history from 2014 Public violation regarding rule 4.15 guilty paid fine \$125.00. There was hardship extended given, establishment closed due to fire, October 4 2012, There was a violation of rule 4.15 for gambling, January 21, 2009. There was a public hearing for rule 0.1 A there was 2 counts of 4.18 found guilty the licensee paid \$500.00. November 8, 2008 found guilty, licensee paid \$3000.00, \$750 of \$3000 was suspended. The total, including administrative fee, \$2,750 is what the licensee paid. There was another violation 2008 4.02 found not guilty. January 4, 2008 4.01 a guilty licensee. The fine was \$3000.00 which was waived or 30 day suspension from Baltimore City. Mr. Zimmerman asked if the applicant acknowledged the prior violations. Ms. Thall asked if applicant would like to address the violations. The applicant stated that he ran a Tavern since 2005 and there was a fire on the second floor in 2012. The licensee still holds the license but no violations. The applicant stated that he had about 8 employees and one of the employees served an underage minor. The licensee stated he was fined for entertainment violation. The licensee stated that one of the employees paid a state employee. 2014 a rule changed and the licensee had a pending issue from 2011 violation renewal of license. Mr. Zimmerman asked if licensee has a valid license in Baltimore. Mr. Zimmerman stated the applicant stated under oath that he had a license in Baltimore City. Mr. Zimmerman stated that it was his understanding that an applicant cannot hold two licenses in the same state. Mr. Zimmerman asked about the 2012 gambling charge. The applicant stated an employee paid someone from a poker machine. The applicant stated that the person seen on the video receiving money was him, his employee was handing him money. Mrs. Dean stated that Baltimore City found him guilty. Mr. Zimmerman asked the applicant about his hours of operation. The applicant plans on opening his gas station at 9 am but will not sell alcohol until 11:00 am. The applicant has contacted Mr. John Murray for Alcohol Awareness training. Mr. Stup asked if he was aware that someone with the training has to be on the premises

at all times. Mrs. Dean swore in Co- Licensee, John Thompson. Co-licensee is willing to accept responsibility for the establishment. Mr. Zimmerman is concerned with the licensee's past history violations. Mr. Stup and Mrs. Hays stated they are concerned with the past history of the Licensee. Mrs. Thall asked if the inspector had been out to inspect. Inspector Shrum inspected the establishment on June 13, 2016 at 11:50 am and it meets all the requirements of the Liquor Board. Mrs. Thall asked the Licensee about the Fire Marshal inspection. The applicant stated that the Fire Marshall was out on Friday morning and everything passed. Mrs. Dean stated that the permit has not been put into the system to date. The licensee will only have 1 employee on site. Mrs. Hayes is very concerned with the applicants past history violations. Mr. Zimmerman asked how the licensee checks IDs. The applicant responded he does a physical check of all state issued IDs. The Licensee is willing to buy an ID inspection scanner. Inspector DeLauter suggested that the licensee should not depend on the scanning system as some have insufficiencies. The Licensee asked for a chance to prove that he is responsible to sell alcohol to the public. Mr. Stup is very concerned with the history of the licensee.

MOTION: Mr. Stup made a motion to grant conditional approval of the application until August 29, 2016 with a probationary period of 9 months, no violations, or the applicant will be brought back directly to the Board.

SECOND: Mr. Zimmerman seconded motion

FURTHER DISSCUSSION ON MOTION: Mrs. Thall asked that the applicant go on record that he agrees to the terms of probation. Probation would begin the day the applicant picks up the license. The licensee agreed to the conditions set by the Board.

VOTE: Mrs. Hays-Nay
Mr. Stup-Aye
Mr. Zimmerman-Aye

The vote
(*Motion Passed*) *Aye-2, Nays -1*

8. Decision Required: New License

RE: Kaylep Pries, Lois Pruitt
For the use of Loka Gift Designs LLC
t/a The Frederick Basket Company
12 North East Street
Frederick, MD 21701
Class A Beer and light wine license

Ms. Dean swore in Applicants, witnesses and anyone who wanted to testify (see sign in sheet). Mrs. Dean stated the only pending item for the applicant is the inspector's report. Inspector Shrum inspected on June 13, 2016 at 11:30 am and they met all the requirements of the Liquor Board. The applicants are the sole employees and will be at the establishment at all times. Mrs. Dean stated this is a transfer of license and the previous owner didn't have any inventory left over. The applicants will be starting with their own inventory. Mr. Zimmerman asked about piped music and informed the applicant to submit an application for entertainment.

MOTION: Mr. Stup made motion that the application be approved and suggested that the applicant apply for an entertainment permit and file a sketch of the tasting area.

SECOND: Mrs. Hays

VOTE: Mrs. Hays-Aye
Mr. Stup-Aye
Mr. Zimmerman-Aye

The vote was unanimous *Aye-3, Nays -0*
(*Motion Passed*)

9. **Silk Mill Extension Denial** – Ms. Dean swore in the Applicant, witnesses and anyone who wanted to testify (see sign in sheet). Mr. Zimmerman stated the Board did not grant approval for extension of the conditional approval that was until June 27, 2016. The Board would like the Licensee to come back when he is organized to submit a request for his establishment. The License stated that opening is contingent on an approval letter from the Small Business Association. The applicant believes the approval will come within the next few months, and the establishment will be open by early next year. The licensee stated this is not an abandoned project.

Public Comment:

Mr. Stup thanked Mr. Zimmerman for his 5 years of service serving as Chairman for the Liquor Board.

Meeting Adjourned

Respectfully submitted,

Kathy Dean, Administrator
FREDERICK COUNTY LIQUOR BOARD

